THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.1265 OF 2006

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Dated: 25-01-2006

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Between

Sri Chinta Srinivas, S/o. Venkateshwar Rao, Occ: Business, R/o. Bodasakuru

Village, Allavaram Mandal, East Godavari

District.

...PETITIONER

AND

The Zilla Parishad Chairman-cum-

District Sand Auction Committee

Chairman, East Godavari District,

Kakinada and another.

...RESPONDENT

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the Respondent No.2 in not granting temporary leasehold rights of Bodasakurru Sand Reach Point, Reach No.38 for the period of 60 days as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner was the leaseholder of the Bodasakurru Sand Point, Reach No.38 for the period from 05.09.2005 to 30.09.2005 and after the expiry of the said lease period a notification was issued for the auction of the lease hold rights for the period from 01.10.2005 to 30.09.2006. Pursuant to the said notification auction was held on 28.09.2005 but nobody participated in the auction. Therefore, the

concerned authorities conducted auction for two times i.e. on 15.10.2005 and 14.12.2005 respectively but no prospective bidder turned out to participate in the auction. However, petitioner made a representation dated 17.01.2006 before the second respondent bringing to his notice that though the auction was conducted twice none applied for the same, as such requested the authorities to consider his application for grant of temporary permit till the auction is conducted and prospective bidder turns out in accordance with the relevant rules. The learned counsel further submits that as per Rule 9-L of G.O.Ms.No.1 dated 01.01.2001 where the leasehold rights could not be disposed of it is open for the concerned District Panchayat Officer to issue temporary permit for a period not exceeding 15 days.

Having regard to the facts and circumstances of the case,
the second respondent is directed to consider and dispose the representation of the petitioner dated 17.01.2006 in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

January 25, 2006

Note: Furnish C.C. of the order by 27.01.2006

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